

**REMARKS**

Claims 1-20 were examined in the Final Office Action mailed November 22, 2006. The following new rejections were entered.

Claims 1-5, 7-15 and 17-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,729,455 to May ("May").

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. US 2003/0111893 A1 ("Hamperl") or May, in view of U.S. Patent Publication No. US 2003/0136613 A1 ("Seki").

The Applicant is requesting entry of the foregoing amendments to cancel the claims directed to a disk brake, in order to focus prosecution on the claims directed to a vehicle axle assembly including the inventive disk brake arrangements, as well reciting the vehicle axle assembly arrangement with additional particularity. The Applicant is therefore requesting canceling of claims 1-2 and 11-20, without prejudice to the subject matter therein, and amendment of independent claim 3. Conforming amendments to dependent claims 7-10 are also requested.

**1. The Claims Would Be Patentable Over May, Hamperl And/Or Seki.**

As amended, claim 3 would recite a commercial vehicle axle assembly which includes an axle, a wheel located at each end of the axle, a caliper and a brake rotor, wherein the rotor hub portion "is located radially within an axially-inboard-extending envelope of the wheel," and the rotor connecting portion extends from the hub portion to place the friction portion "axially inboard toward a center of the

vehicle axle a distance sufficient to place the friction portion outside the axially-inboard-extending envelope of the wheel.”

Section 102(b) Rejection: The May reference does not disclose or suggest the claim 3 vehicle axle brake arrangements. May discloses an unconventional “inboard” brake with two separate rotors being acted on by a single brake clamping device. This reference does not disclose or suggest the claimed rotor with a hub portion “located radially within an axially-inboard-extending envelope of the wheel,” as the May wheel 14 is located far outboard of its brake rotor 50, and does not extend toward the brake. May 1:51-56; Fig. 1 (axle support bearing 16 disposed between wheel rim 14 and brake rotor 50, the support bearing being “attached to the frame of the vehicle,” *i.e.*, located where it precludes extension of the wheel rim toward the brake due to potential interference between the wheel rim and the bearing’s frame mount).

Section 103(a) Rejections: As to the rejection based on the combination of May and Seki, Seki does not cure the deficiencies of May. The Seki reference also shows an inboard-type brake, with inboard brake rotors 22 immediately adjacent to the center differential, and thus not “located radially within an axially-inboard-extending envelope of the wheel,”

Finally, as to the combination of Hamperl and Seki, as noted in the Applicant’s September 13, 2006 response, Hamperl shows only the well-known, conventional truck dual wheel brake arrangement. Hamperl contains no suggestion toward claim 3’s rotor which “has a connecting portion extending from the hub

portion which places the friction portion axially inboard toward a center of the vehicle axle a distance sufficient to place the friction portion outside the axially-inboard-extending envelope of the wheel.” For its part, Seki only teaches a conventional inboard-type disk brake, with a number of components (suspension arms, axle shafts, bearing housings, etc.) precluding relocation or extension of any portion of the Seki rotor toward Seki wheel 5. Seki Figs. 1, 5.

Nothing in either of these references teaches or suggests either (a) extending the conventional Hamperl rotor radially inboard, or (b) extending the conventional Seki inboard rotor to an outboard hub. The Applicant therefore respectfully submits that these references, alone or in combination, fail to teach or suggest claim 3’s rotor which: (i) “has a hub portion mounted on a hub at the end of the axle”; “is located radially within an axially-inboard-extending envelope of the wheel”; *and* (iii) has a connecting portion extending from the hub portion “which places the friction portion axially inboard toward a center of the vehicle axle a distance sufficient to place the friction portion outside the axially-inboard-extending envelope of the wheel.”

In view of the foregoing, reconsideration and withdrawal of the pending § 102 and § 103 rejections based on May, Hamperl and/or Seki is respectfully requested.

### CONCLUSION

The Applicants respectfully submit that upon entry of the foregoing amendments, claims 3-10 would be in condition for allowance, and further that in view of searches conducted to date, no additional search should be necessary.

Accordingly, entry of the requested amendments, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52876US).

Respectfully submitted,

February 22, 2006



Jeffrey D. Sanok  
Registration No. 32,169  
Mark H. Neblett  
Registration No. 42,028

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844